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10/572,170	01/02/2007	Marcello Puggioni	154546/0341-073	5190
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EXAMINER				
WHITE, DWAYNE J				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/572,170
Filing Date: January 02, 2007
Appellant(s): PUGGIONI ET AL.

Luminita A. Todor
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 June 2011 appealing from the Office action mailed 30 December 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-13 are pending

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The rejection of claim 12 under 35 U.S.C 112, first paragraph has been withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

(8) Evidence Relied Upon

5,718,560	Lorenzen	2-1998
4,872,689	Drumm	10-1989

(9) Grounds of Rejection

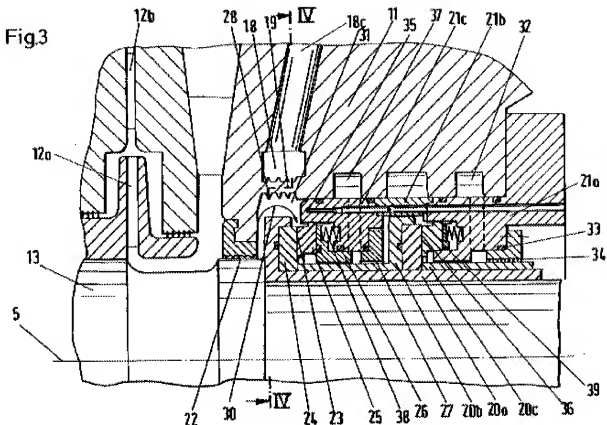
The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-13 rejected under 35 U.S.C. 102(b) as being anticipated by Lorenzen.

Claims 1-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenzen in view of Drumm.

(10) Response to Argument

The Examiner first wishes to point out that the Figure 3 corresponds to the description provided by Applicant and have provided the correct figure below.



Applicant argues that the heat exchanger of Lorenzen is specifically configured to modify the temperature of the leakage flow in the ring space 31 located between a first stage of the turbomachine and the suction side and does not discuss changing the temperature of the seal. The Examiner respectfully points out that while Lorenzen does disclose the heating of the leakage flow, this flow clearly interacts with the dry gas seal ring as evidenced by the statement that *"behind the first dry-gas sliding ring seal 24, 25 the leakage flow divides at a pressure which is already very much closer to atmospheric. A main flow enters into a discharge channel 37 from which it can be returned to the process at a low pressure or, for example, led to a flue for flaring off. A small partial pass through a labyrinth 37 to a further dry-gas sliding seal ring seal with a sealing gap 36 which, for example, is provided as a reserve seal in a tandem*

arrangement and thus likewise has behind it a discharge channel 32 and a labyrinth 34 to the shaft or to a shaft sleeve 20a.” It is clear from this passage that the heated leakage fluid is provided to the dry gas seal and it would follow that temperature of the seal would in turn be effected by the temperature of the fluid passing around it.

In regards to Applicant’s argument that the heating device 18 is not located between the gas seal of the compressor and a housing wall of the seal, the Examiner respectfully points out that the heated fluid passes through channels 37 and 32 which lies between the housing 11 and dry gas seal 21a/21b/21c, which conforms to the Examiner’s assertions and the claim language of the heat exchanger being positioned between the gas seal and a housing wall of the seal. The Examiner respectfully maintains the position that while there may be a break in the circular path of the heating change ring, this does not preclude that fact that the ring is still circular. The Examiner further maintains that while the Lorenzen is configured to heating the leakage fluid and thus the seal, Applicant’s use of the term “configured” makes clear that this is intended use. It would only be a matter of changing the heating fluid to a cooling fluid and furthermore, the Examiner has shown, in the case of Drumm, that a heat exchanger for a seal can be “configured” to heat or cool the seal without changing the fundamental structure of the heat exchanger. It is for these reasons that the Examiner maintains the rejections in view of the prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DWAYNE J WHITE/

Examiner, Art Unit 3745

Conferees:

/EDWARD LOOK/

Supervisory Patent Examiner, Art Unit 3745

/Justine R Yu/

Supervisory Patent Examiner, Art Unit 3771